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#### **15 AAC 98.010. Motor vehicles designed for use on a highway**

For purposes of [AS 43.98.025](#), motor vehicles designed for use on a highway do not include off-road vehicles. For purposes of this section, off-road vehicles include dozers, graders, loaders, racing cars, lawn mowers, farm tractors and implements, construction and stevedoring cranes, devices used exclusively upon stationary rails or tracks, and mobile homes.

**History:** Eff. 4/16/2004, Register 170

**Authority:** [AS 43.05.080](#)

[AS 43.98.025](#)

#### **15 AAC 98.020. Return filing requirements**

(a) A seller shall file the return required under [AS 43.98.025](#) (d) on a form prescribed by the department. On that form, the seller shall provide identification of the person filing the return, inventory information, and computation of the fee to be remitted.

(b) For a retail sale in which the seller does not have a nexus with the state, the buyer shall complete the form prescribed in (a) of this section and pay the fee imposed by [AS 43.98.025](#) (a).

(c) Subject to 15 AAC [05.310\(h\)](#), the filing of the return and the remittance of the total fees must be made not later than April 30, July 30, October 30, and January 30, for the calendar quarters ending March 31, June 30, September 30, and December 31, respectively.

(d) If a seller has multiple business locations, all information shall be combined on one return.

(e) The fee imposed in [AS 43.98.025](#) applies to a sale or service to a related person.

**History:** Eff. 4/16/2004, Register 170

**Authority:** [AS 43.05.080](#)

[AS 43.98.025](#)

#### **15 AAC 98.030. Tires on new motor vehicles**

For purposes of the fee imposed in [AS 43.98.025](#), the sale or lease by a dealer of a new motor vehicle is not a retail sale of

(1) new tires on the vehicle; or

(2) a single new tire stored on the vehicle as a spare.

**History:** Eff. 4/16/2004, Register 170

**Authority:** AS 43.05.080

AS 43.98.025

**15 AAC 98.040. Collection of the fee**

A fee imposed in AS 43.98.025 upon a sale or service must be collected at the time of the sale or service, without regard to billing practices, installment agreements, credit procedures, or bad debts. The time of the sale or service must be determined on an accrual basis.

**History:** Eff. 4/16/2004, Register 170

**Authority:** AS 43.05.080

AS 43.98.025

**15 AAC 98.050. Replacement due to defect or recall**

A seller is not required to collect a fee under AS 43.98.025 for a tire or service that is replaced or performed again as the result of a defect or recall, if the replaced tire or re-performed service is provided to the purchaser

(1) at no cost; or

(2) according to a fixed warranty schedule, and the cost to the purchaser does not exceed 15 percent of the cost of the replacement or re-performed service.

**History:** Eff. 4/16/2004, Register 170

**Authority:** AS 43.05.080

AS 43.98.025

**15 AAC 98.060. Tires for resale**

(a) For purposes of AS 43.98.025 (g)(2), the department will consider a tire to be a tire for resale in a transaction between

(1) the manufacturer of a tire and a distributor of the tire;

(2) a distributor of the tire and a retail dealer of the tire; or

(3) a retail dealer and another retail dealer of the tire.

(b) In a transaction under (a)(3) of this section, the final retail sale receipt, invoice, or other record of sale must state that the fee imposed in AS 43.98.025 was previously paid on the tire or service.

**History: Eff. 4/16/2004, Register 170**

**Authority:** AS 43.05.080

AS 43.98.025

**15 AAC 98.070. Persons immune or exempt under federal law from tire fees**

The department will not apply the tire fee requirements of AS 43.98.025 and this chapter to tires or services sold

(1) for official use to a person that, under federal law, is immune from state taxation as an instrumentality of the federal government, including a federal credit union and the American Red Cross, if the purchaser provides a certificate of use as required under AS 43.98.025 (g) and 15 AAC 98.080 for those tires or services; or

(2) to a foreign government, if the purchaser

(A) provides a certificate of use as required under AS 43.98.025 (g) and 15 AAC 98.080 for those tires or services; and

(B) presents a valid tax exemption card issued under 22 U.S.C. 4301 - 4316 by the United States Department of State.

**History: Eff. 4/16/2004, Register 170**

**Authority:** AS 43.05.080

AS 43.98.025

**15 AAC 98.080. Certificate of use**

(a) A purchaser must complete a certificate of use on a form prescribed by the department for an exemption specified in AS 43.98.025 (g). The certificate of use is effective for the calendar year unless invalidated by the department. The certificate of use must specify the nature of the exemption.

(b) A certificate of use must be signed by an authorized representative of the buyer or transferee. The seller shall retain the certificate of use for three years.

(c) A person obtaining a tire or a service under a certificate of use who subsequently uses the tire or service in a manner that would make the tire or service subject to the fee under [AS 43.98.025](#) shall file a return and pay the fee that would otherwise have been due at the time of the transfer, as well as applicable penalties and interest.

**History:** Eff. 4/16/2004, Register 170

**Authority:** [AS 43.05.080](#)

[AS 43.98.025](#)

### **15 AAC 98.090. Recordkeeping requirements**

(a) Each seller who collects a fee imposed in [AS 43.98.025](#) shall maintain records of inventories to account for

(1) tire inventories on the first day of each month;

(2) tire inventories on the last day of each month;

(3) tires purchased, produced, or otherwise received in each month;

(4) tires sold or transferred in each month; and

(5) tires and services to which a fee imposed in [AS 43.98.025](#) does not apply under [AS 43.98.025](#) (g) or this chapter.

(b) A seller shall maintain for three years after the due date of a return, or the date the return was filed, whichever is later, all books and records required by this section

**History:** Eff. 4/16/2004, Register 170

**Authority:** [AS 43.05.080](#)

[AS 43.98.025](#)

### **15 AAC 98.100. Administration and enforcement**

In this chapter, the seller is subject to [AS 43.05](#) and [AS 43.10](#) with respect to the fee imposed in [AS 43.98.025](#) .

**History:** Eff. 4/16/2004, Register 170

**Authority:** [AS 43.05.080](#)

[AS 43.98.025](#)

## **15 AAC 98.900. Definitions**

In AS 43.98.025 and this chapter,

- (1) "calendar quarter" means the period of three months of the calendar year, each beginning January 1, April 1, July 1, and October 1;
- (2) "department" means the Department of Revenue;
- (3) "person" means an individual, firm, partnership, joint venture, government, association, corporation, estate, trust, receiver, or other group or combination acting as a unit;
- (4) "related person" means a person listed in 26 U.S.C. 267(b) (Internal Revenue Code); for purposes of this paragraph, 26 U.S.C. 267(b), as amended as of December 17, 1999, is adopted by reference;
- (5) "retail sale" means a sale of goods or services to the consumer; "retail sale" includes a transaction where the tire is ordered from within the state and delivered for first use in the state, regardless of whether the tire is shipped from outside the state; "retail sale" does not include a sale in which a seller paid the fee imposed in AS 43.98.025 in a transaction specified in 15 AAC 98.060(a) (3);
- (6) "sale" means a transfer in the state for consideration of title or possession of property from a seller, agent of a seller, or person acting as an intermediary for the seller for a fee or other consideration; "sale" includes a transaction by barter, an exchange, a lease, a license for use, and an installment, credit, layaway, or conditional transaction.

**History:** Eff. 4/16/2004, Register 170

**Authority:** AS 43.05.080

AS 43.98.025